

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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PETER OFFICER  
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Carl C. Gilbert, II,  
Plaintiff,

20 CV 193 JDP

Case No. \_\_\_\_\_  
42 U.S.C. § 1983  
Civil Rights Complaint

V.

State Of Wisconsin,  
Sand Ridge Secure Treatment Center,  
Cody Ballenger, Tom Bender, Brent Hoffman, Stacy Martinson,  
Michael Krause, And Doug Bellie.  
They Are Being Sued In Their "Individual" And "Official" Capacity.  
"UNDER COLOR OF ANY LAW"  
Defendants,

This Is A Civil Rights Action Brought Pursuant To 42 U.S.C. § 1983, In Which Is Being Brought By Plaintiff In The Above-Case As A Pro Se Against The Defendants For Acts And Omissions Described In Section Title 28 U.S.C. § 1331 And Title 42 U.S.C. § 1983.

This Is Also Being Brought By Plaintiff In The Above-entitle Case For Acts And Omissions Described In State Laws, Wis. Stats. § 51.61 (7) And § 51.61 (7) (a), (b) And (c).  
Also, That's Described In Statutes In Federal Criminal Codes And Procedures Under Title 18 U.S.C. § 241, § 242, § 1001 And Other Federal Codes And Criminal Violations. Causing Injuries To The Plaintiff's Person And Property Where In He Is Entitled By Law To Civilly And Criminally Redress.

Jury Demanded

Pursuant To Wisconsin Constitutional, Article 1, Sec. 5, The Plaintiff Is Entitled To Have All Facts Put Before A Jury.

Preliminary Restraining Order (TRO)  
And Injunction Order

Based On My 1<sup>st</sup>, 8<sup>th</sup>, 9<sup>th</sup> And 14<sup>th</sup> Amendment-Rights And The Fore-Going Civil Rights Action, This Complaint, I Am Entitled To (TRO/INJUNCTIONORDER) On All Claims Against All Parties/

Defendants.

### Jurisdiction

This Court Shall Have Original Jurisdiction Prescribed In Subsection Title 28 U.S.C. §1331 And 42 U.S.C. § 1983.

This Court Shall Have Judicial Jurisdiction Pursuant To Article III, Sec. 2 (1) Notice Pursuant To 201 (d) To Title 28 U.S.C. § 1733 (b).

### Parties

- 1.) Pro SE, Plaintiff, Carl C, Gilbert, II, Is A Resident And Patient At Sand Ridge Secure Treatment Center, Located At: 1111 North Road, P.O. Box 800, Mauston, WI. 53948-0800
- 2.) Defendant- Doug Bellie, He Is The Director At Sand Ridge Secure Treatment Center. And He Is Responsible For Safety, Care, Treatment And Security Of All Patients And Staffs At (SRSTC).
- 3.) Defendant- Tom Bender, Correctional Officer
- 4.) Defendant- Psychiatric Care Technician, Cody Ballenger
- 5.) Defendant- Psychiatric Care Supervisor, Brent Hoffman
- 6.) Defendant- Unit Manager, Stacy Martinson
- 7.) Defendant- Unit Manager, Michael Krause
- 8.) Defendant- State Of Wisconsin
- 9.) Defendant- Sand Ridge Secure Treatment Center

Who All Had, Knew, Know And Should Have Known That They All Did Deliberately, Intentionally, Callously Maliciously And Racially Profiled Me When They Violated My Constitutional And Civil Rights. Under Color Of Any Laws.

Their Location Is At: 1111 North Road, P.O. Box 800, Mauston, WI. 53948-0800

### Claims:

- 1.) I, Carl C, Gilbert, II, Was Given A Behavior Disposition Record (BDR) And Placed In Security Confinement On September 9, 2018. This All Happen While Taking My Medication From The Med. Cart On Unit AA, The (BDR) Was Written By (PCT)- Ballenger And All Parties/Defendants.
- 2.) While Taking My Court Ordered Medications On September 9, 2018, C/O Tom Bender Was Condescending Towards Me, Intimidating Me, Humiliating Me And Was Argumentative Time- And- Again. His Behavior Violated My Patient Rights, Civil Rights On Several Fronts. Mr. Bender Provoked Me And Threatened Me For No Reason.
- 3.) (PCT)- Cody Ballenger Wrote Me A (BDR) With Other Staffs. The Defendant Co- Conspired, Cover-up, Plotted, And Schemed To Write (BDR) Based On My Reactions To C/O Bender's Unjust

And Mean Behavior. Mr. Bender Refused To Accurately And Fairly Describe The Incident As Required And Part Of His Training While Being Employed At Sand Ridge Secure Treatment Center. Because Mr. Ballenger Did Not Give A True And Unbiased Account Of The Incident On September 9, 2018. I Was punished Severally, Without Cause, And In Violation Of My Patient Rights, My 1<sup>st</sup>, 8<sup>th</sup>, 9<sup>th</sup> And 14<sup>th</sup> Amendment Rights. Mr. Ballenger Has A Duty To Write A (BDR) That Is Accurate, And Unbiased So All Staffs Reading The The (BDR) And Determining Any Potential Sanctions Have A Reliable Description Of The Incident To Make A Just Decision On What, If Any, Punitive Measures Are Merited.

4.)

A Hearing Was Held On September 9, 2018, Regarding The (BDR) And What Sanctions, If Any, To Enforce Upon Me. The Hearing Was Held By Sand Ridge Secure Treatment Center (SRSTC) Employees, (PCS)- Brent Hoffman, (IUS)- Stacy Martinson And (IUS)- Michael Krause (UNIT MANAGERS). The (BDR) Hearing At (SRSTC) Violate My Patient Rights, Constitutional Rights, Due Process Of Law And Equal Protection Of Law. Because I Am Not Provided A Copy Of The (BDR) Before The Hearing Is Held And I Am Not Allowed To Call Witnesses To Prove My Innocence, I Am Not Allowed To Present Any Evidences, To Have A Advocate Nor There Was No Evidences That The Committee Use To Justify Reliable Finding Me Guilty Of Or For Committing Any Offenses That I Was Wrongfully Accused Of Where As On Complaint No.# 19-SR-00409 And (BDR) No. #15090 Completely Contradictory To What's Each Statements And/Or Evidences Used In My (BDR) Hearing And Investigations Done By (SRSTC) Institution, Mauston Police Department And Used In My Discharge- Trial (980)-Proceeding Dates On (07/30/2019) And (07/31/2019) To Sabotage My Discharge, Supervisor Release. Both Or All These Restrictions Violates My Patient Rights Under Wisconsin States, Wisconsin Administrative Code, State And Federal Laws And Constitutional Rights, My 1<sup>st</sup>, 8<sup>th</sup>, 9<sup>th</sup> And 14<sup>th</sup> Amendment-Rights. These Restrictions Imposed By (SRSTC) And Facility Director- Doug Bellie Are Not The "Least Restrictive Conditions" Necessary To Achieve The Purposes Of Admission, Commitment Or Protective Placement At (SRSTC).

5.) As To Para (3) And (4), I Believe It Was (PCT) Cody Ballenger Who Wrote The (BDR).

6.) The Following Did Witnesses All Gross "Bad Acts And Omissions" By C/O Tom Bender, And Failed To Do Nothing. Staffs: (PCT)- Cody Ballenger, (PCT)- Garrett M., Lutz, Officer- Matthew R. Delmore, And Medical Staff- Kayla Reimann. Who All Provided Incident Reports, Statements To (SRSTC) And To Mauston Police Department, Also To Wisconsin Disability Rights On Or From 09/17/2018 Through 09/2019 And Ongoing- Deprivations These Defendants/Parties Have Been (Is) Using Against Me.

7.) (SRSTC) And Facility Director- Doug Bellie Have Stripped All Patients Who Receive A (BDR) Of Their Rights To Prove their Innocence. By Refusing To Permit To Call Witnesses On Their Behalf Who Can Substantiate Their Innocence. This Policy And Practice Makes It Impossible For A Patient, Like Myself To Receive A Fair Hearing A Hearing That Fulfills My Due Process- Rights. There Is No Valid Reason To Disallow A Patient From Defending Himself Against The Severe And Long-Lasting Effects Of A (BDR). These Sanctions Include Additional Years Spent At (SRSTC), Mechanical Restraints During Movements, Seclusion, Include Additional Years Spent At (SRSTC). Loss Of Privileges, Treatment And Therapeutic Services, Removal Of Property, Court Order On psychotropic Medications Placed On Another More Restrictive Living Unit And Removing Any Recommendations For

Supervisor Release, Discharge From (SRSTC. And Placed On (BMU) As A Punishment, Harassment, Retaliation And To Completely, Knowingly, Intentionally, Deliberately, And Maliciously Sabotage Me And My Chance Of Being Discharged From (SRSTC).

8.) (SRSTC) And Facility Director, Doug Bellie, Have Made It A Policy And Practice Not To Give Any Patient A Copy Of His (BDR) Before The (BDR) Hearing. This Policy And Practice Make It Impossible For A Patient Or Patients, Like Myself To Prepare For The Hearing To Know What Details Are In The (BDR) Or Missing All Together, And To Know Is A Potential Witnesses To The Incident That Could Testify To My Innocence. This Policy And Practice Does Not Conform To My Rights Of Due Process During A (BDR) Hearing.

9.) (BDR) Hearing Members Brent Hoffman, Stacy Martinson And Michael Krause Found My Guilty Of The (BDR) And Placed Me On A Step-program. I Loss My Rights, Patient Rights To Treatment Services, Therapeutic Services, Recreational Services And Privacy Privileges And Rights. I Remained In Segregation For Three Weeks On Step- Program And Had To Work My Way Back To A Level-C. Which Took Another (3) Mouths To Retain. The (BDR) Was Permanently Placed In My Patient/Treatment, (Now- Court Files And Records).. Files Where All And Future Elevators, Doctors Will Read And Use To Consider This (BDR) And The Information Contained Written It, To Make A Determination Regarding My Fit For Supervisor Release , Discharge From (SRSTC). During My Next Yearly Examination This (BDR) Will Be Referenced And Used To Stop Me From Leaving (SRSTC). As It Is Being Used Now In My (2019) State (980-Report) By The State Doctor William Merrick, And Other Incorrect, False Reports, Records, Treatment-Notes To Justify Keeping Me Under The (Sexual Violent Person Act), Civil Commitment Order.

10.) On September 11, 2018, I Filled Out An Appeal Of The (BDR) Claiming My Innocence. This Appeal Per (SRSTC) Policy And Procedure Goes Directly To Facility- Director Doug Bellie. On September 25, 2018, Mr. Bellie Upheld My (BDR) And The Sanctions. Mr. Bellie Did Not Give Any Weight To Officer Tom Bender's Actions And Violations Of Several Of My Rights, Patient Rights Including The Rights Not To Be Abused By (SRSTC) Staffs Employees.

11.) Mr. Bellie Has A Duty And Responsibility To Render A Decision That Is Fair And Just. To Make His Decision Based Upon All Of The Facts. To Include In Decision Any And All Relevant And Exculpatory Information. He Did Not Do This, This Type Of Transparency And Honesty Is Vital To All Patients When Consider That Professional Evaluation/elevators Use This Information To Determine If If A Patient No Longer Fits The Criteria Of A "Sexual Violent Person" As Mandated By The Wisconsin Statutes. Mr. Bellie Has A Duty To Fully Investigate The (BDR) And Be Very Clear If His Employees Where Responsible For Violating A Patients Rights And Contributed To The Patient Acting In An Unhealthy, Destructive Or Atypical Manner. Mr. Bellie Failed To Do This.

12.) On September 13, 2018, At 1:20 pm, With (HELP), The Help Of Client Rights Facilitator, Cory Smith. Mr. Gilbert, II, Filled Out A Patient Complaint Pertaining To The September 9, 2018, Incident And (BDR).

13.) On September 24, 2018, Client Rights Facilitator, Cory Smith Issued A Written Stage #1 Decision Regarding The Complaint And Concluded That Mr. Gilbert, II' s Patient Rights Were Violated, She

Further Adamantly Declared: "After Considering All OF The Best Available Information At This Time, There Is Clear And Convincing Evidence That Officer Bender's Conduct On 9/9/2018, Served Solely To Intensify An Already Unfavorable Set Of Circumstances, And In Doing So, He Endangered The Safety And Security Of Everyone In The Vicinity" .

(Emphasis Added).

14.) Mr. Bellie Has A Stage 1 Decision And The Conclusion's There in, However, Mr. Bellie Has Not Thrown Out The (BDR) Issued To Mr. Gilbert,II Or Compensated Mr. Gilbert,II For The Violation Of His Patient Rights, Constitutional Rights. Mr. Gilbert,II Has Suffered A Multitude Or Injuries That Range From Emotional, Psychological, Physical And Medically. Which Will Effect Mr. Gilbert,II For Years To Come His Level Of Trust And Safety Is Greatly Diminished. His Outlook On Release Is Glim At Best. He Is Nervous,Leery Sad And Depressed Knowing He Was Violated By An Array Of (SRSTC) Employees. (SRSTC) And Mr.Bellie Are In A Position To Help Mr. Gilbert,II And Restore Some Of His Patient Rights, Constitutional Rights.

Neither Has Taken Any Action To Do This.

#### Relief Requested

- 1.) Compensatory And Exemplary Damages In The Amount Of \$1,000.00 Per Each Patient Right Violation AS Permitted Separately And Jointly Under Wis. Stats. §51.61 (7) (b) Against Each Defendants. Also AS Described In This Civil Rights Action. And Under Title 18 U.S.C. §241, §242 §1001.
- 2.) Award Of Mr. Gilbert,II Costs And Relevant Fees Associated With The Commencement And Completion Of This Lawsuit As Permitted Under Wis. Stats. § 51.61 (7) (a), (b) And (c) . Also, What Is Requested Entitled Under Constitutional Rights And Laws.
- 3.)Compensatory Damages In The Amount Of \$350,000.00 For Mental,Emotional, Psychological, Damages Suffered As A Result Of Defendants Actions As Permitted Under Wis. Stats. § 51.61 (7) (a) And Title 28 U.S.C. § 1331 And Title 42 U.S.C. § 1983..
- 4.) Exemplary Damages In The Amount Of \$350,000.00 For Each Patient Violation Suffered As A Result Of The Defendants Actions As Permitted Under Wis. Stats. § 51.61 (7) (a) Also Under Title 28 U.S.C. § 1331 And Title 42 U.S.C. § 1983..
- 5.) I Am Bring This Requested Relief, Requesting That The (FBI) Do A Full And Complete In-dependent Investigation On (SRSTC) And My Complaint Of Both Civil Rights-Violations And Federal Criminal Acts,Codes Violations, And Under Title 18 U.S.C. §241, §242, §1001. And All Other Federal Criminal Acts.
- 6.) Also, Respectfully Requesting , Pro Se, Plaintiff Attorney's Fees, Costs And All Other Reliefs This Court Seem Deem.
- 7.)The Plaintiff Respectfully Asks The Court To Enjoin The (SRSTC) Employees From Using The

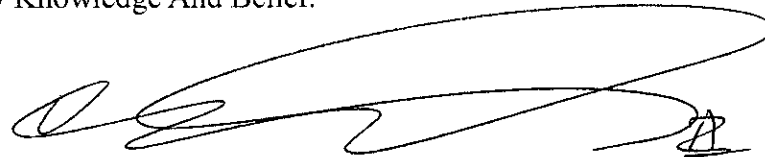
(BDR) Number # 15090, As A Basis To Portray Mr. Gilbert,II, Any Kind Of Negative Light. Both Now, Or In The Future. Also, Including The (State Of Wisconsin) , District Attorney's Office, Attorney General's Office, Courts/Judges, With State Elevators/Doctors,Etc.,Etc..

8.) The Plaintiff Respectfully Asks That Facility Director- Doug Bellie Permanently Remove The (BDR) And Any Reference To It From Mr. Gilbert,II,'s, Patient Files And/Or Records At (SRSTC). And On Any And All State, Court, And/Or Any Reports, Records, Or Files That Shown Or Shows The (BDR) ,Incident Reports On.

9.) I, Mr. Gilbert,II, Is Respectfully Requesting (ASKS) That This Court Enter Temporary Order And An Injunction Order On All The Defendants.

10.)To Be Discharged From My 980- Commitment Based On The Deliberately, Intentionally, Knowingly Maliciously, Callously,Racially, Vindictively And Grossly Acts Omissions And Behaviors Directed To Cause And Inflict Pain And Punishment.

I, Carl C, Gilbert,II, Declare Under Penalty Of Perjury, That The Fore-Going Is True And Correct To The Best Of My Knowledge And Belief.



Carl C,Gilbert,II, Pro Se, Plaintiff's

1111 North Road , P.O. Box 800  
Mauston, Wisconsin 53948-0800

(608) 847-4438 Contact Number For Patients.

DATED: Jan - 15, 2020,

Notary Services:

Subscribed and sworn to before me  
this 15<sup>th</sup> day of Jan, 2020  
Lisa M. Ard  
Notary Public, State of Wisconsin  
My commission expires: 6-12-23

